

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1, 2, 5-15, and 18-46 are currently pending in this application.

Regarding the 35 U.S.C. § 102(b) Rejection

Claims 1, 3, 4, 7-9, 13, 14, 16, 17, 20-22, 26, 27, 30, 31, 33-37, 40, 41, and 43-46 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Application to Grigorovitch et al.. (referred to below as "Grigorovitch"). Applicant respectfully traverses this rejection for the following reasons.

First consider independent claim 1. In this Response, claim 1 has been amended to incorporate the features of dependent claims 3 and 4. As amended, claim 1 recites in full (with emphasis added):

1. (Currently amended) A method for reading information from an optical storage medium, comprising:

providing a cache memory having multiple cache segments;

receiving a request for information stored on the optical storage medium;

determining whether the requested information is stored in one of the cache segments;

retrieving the requested information from said one of the cache segments if the information is determined to be stored in the cache memory; and

retrieving the requested information from the optical storage medium itself if the information is determined not to be stored in the cache memory,

wherein the cache memory includes a first group of at least one cache segment dedicated to handling a first type of information, and a second group of at least one cache segment dedicated to handling a second type of information, and

wherein the first type of information pertains to information that is designated for retrieval in a streaming transfer mode, and the second type of information pertains to information that is designated for retrieval in a bulk transfer mode.

Grigorovitch does not disclose the subject matter of claim 1. For example, Grigorovitch at least does not disclose the bold-highlighted feature of claim 1, in combination with the other features of claim 1 when read as a whole.

The Patent Office identifies a portion of paragraph No. 3 of Grigorovitch as having relevance to the bold-highlighted portion of claim 1 (which was previously recited in dependent claim 4). Paragraph No. 3 of Grigorovitch states, in full:

[0003] A basic streaming media file typically includes at least two streams: a video stream and an audio stream. More complex streaming media file will include multiple video and/or audio streams, each stream being encoded at a different bit rate (i.e., multi-bit rate encoding). For example, a given portion or stream of video may be stored in a multiple bit rate encoded streaming media file in six different video streams, each stream being encoded at a different bit rate. When a client requests the streaming media file from the server, a determination is then made as to the bandwidth of the link between the server and the client. One of the six video streams and an audio stream are then selected for transmission to the client, based on predetermined bandwidth criteria. For example, the video and audio streams may be selected such that their combined bit rates are less than a predetermined percentage

1 of the available link bandwidth. If, at some point in the streaming process, the link
2 bandwidth between the server and the client increases or decreases, a different combination
3 of audio and video streams is then selected to meet the predetermined bandwidth criteria.
4 This type of "stream selection" from a multi-bit rate encoded streaming media file based on
5 available bandwidth is commonly referred to as "intelligent streaming."

6
7 This passage describes intelligent streaming involving "stream selection"
8 from a multi-bit rate encoded streaming media file based on available bandwidth. In
9 contrast, claim 1 recites, in part, that "the cache memory includes a first group of at
10 least one cache segment dedicated to handling a first type of information, and a
11 second group of at least one cache segment dedicated to handling a second type of
12 information," "wherein the first type of information pertains to information that is
13 designated for retrieval **in a streaming transfer mode**, and the second type of
14 information pertains to information that is designated for retrieval **in a bulk transfer**
15 **mode**." Intelligent streaming, as discussed in paragraph No. 3 of Grigorovitch,
16 involves switching between multiple streams, and hence pertains only to a streaming
17 transfer mode. As such, paragraph No. 3 of Grigorovitch does not disclose a cache
18 memory that includes "a second group of at least one cache segment dedicated to
19 handling a second type of information," where that "second type of information
20 pertains to information that is designated for retrieval **in a bulk transfer mode**." To
21 be more explicit, streaming is not bulk transfer, as Grigorovitch explains in page 2,
22 second column, first full sentence.
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1 Independent claims 14 (as amended), 27, and 37 recite subject matter that is
2 related to that set forth in claim 1. Therefore, independent claims 14, 27, and 37 are
3 not disclosed by Grigorovitch for similar reasons to those set forth above for claim 1.

4 Now consider original independent claim 31. This claim recites in full (with
5 emphasis):

6
7 31. A method for reading information from a storage medium, comprising:
8 providing a cache memory;
9 receiving a request for information stored on the storage medium;
10 determining whether the requested information is stored in the cache memory;
11 retrieving the requested information from the cache memory if the information is
12 determined to be stored in the cache memory, including:
13 moving a pointer associated with the cache memory ahead to define free cache
14 space;
15 pre-fetching information from the storage medium; and
16 filling the pre-fetched information in the free cache space of the cache memory; and
17 retrieving the requested information from the storage medium itself if the
18 information is determined not to be stored in the cache memory.

19
20 Grigorovitch does not disclose the subject matter of claim 31. For example,
21 Grigorovitch at least does not disclose the bold-highlighted feature of claim 31, in
22 combination with the other features of claim 31 when read as a whole.
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1 The Patent Office identifies a portion of paragraph No. 49 of Grigorovitch as
2 having relevance to the bold-highlighted portion of claim 31. Paragraph No. 49 of
3 Grigorovitch states, in full:

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5 [0049] The free pages record 442 includes a number of table record data fields 441,
6 including a number of free pages data field 443, a first external block ID field 445, and a free
7 page record field 447. The number of free pages data field 443 includes an identifier
8 indicating the number of free pages in the cache file. The free page record field 447 includes
9 a table particularly identifying the various free data pages in the cache file. In the case where
10 the number of free data pages exceeds the number of free data pages that can be specified in
11 the free page record field 447, the first external block ID includes a pointer to a page that
12 includes a data structure identifying additional free data pages.

13
14 This passage describes, in part, that a pointer is provided in “the case where
15 the number of free data pages exceeds the number of free data pages that can be
16 specified in the free page record field 447,” where this pointer simply points “to a
17 page that includes a data structure identifying additional free data pages.” In
18 contrast, claim 31 recites, in part, an operation of “**moving a pointer** associated with
19 the cache memory **ahead** to define free cache space.” The provision of providing a
20 “pointer to a page that includes a data structure” (as disclosed in Grigorovitch)
21 cannot be interpreted as **moving a pointer ahead** (as recited, in part, in claim 31).

22 Independent claim 41 recites subject matter that is related to that set forth in
23 claim 31. Therefore, independent 41 is not disclosed by Grigorovitch for similar
24 reasons to those set forth above for claim 31.
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1 The remainder of the claims rejected under 35 U.S.C. § 102 depend variously
2 from the above-identified independent claims. These claims are not disclosed by
3 Grigorovitch for at least the reason that they incorporate the subject matter of their
4 respective independent claims.

5 As stated in MPEP § 2131, "A claim is anticipated only if each and every
6 element as set forth in the claim is found, either expressly or inherently described, in
7 a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2
8 USPQ2d 1051, 1053 (Fed. Cir. 1987). As noted above, Grigorovitch fails to disclose
9 all of the elements in the independent claims. Accordingly, Grigorovitch fails to
10 anticipate any of the claims under 35 U.S.C. § 102.

11 For at least the above-identified reasons, the Applicant respectfully requests the
12 Patent Office to withdraw the 35 U.S.C. § 102 rejection based on Grigorovitch.

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14 *Regarding the 35 U.S.C. § 103 Rejections*

15 Claims 2, 15, 32, and 42 are rejected under 35 U.S.C. § 103(a) as being
16 unpatentable over Grigorovitch in view of U.S. Published Application No. 2002/0135585
17 to Dye et al. (referred to as "Dye" below). Claims 5, 18, 28, and 38 are rejected under 35
18 U.S.C. § 103(a) as being unpatentable over Grigorovitch in view of U.S. Published
19 Application No. 2003/0109313 to Gavin (referred to as "Gavin" below) and Japanese
20 patent document No. 2001/203995 to Bac et al. (referred to as "Bae" below). Finally,
21 claims 2, 15, 32, and 42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over
22 Grigorovitch in view of U.S. Published Application No. 2003/0041214 to Hirao et al.
23 (referred to as "Hirao" below). Applicant respectfully traverses each of these rejections
24 for the following reasons.
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1 First, all of the claims rejected under 35 U.S.C. § 103(a) depend variously from
2 the above-indicated independent claims. None of the applied secondary documents (Dye,
3 Gavin, Bae, nor Hirao) overcome the above-noted shortcomings of the Grigorovitch
4 document, whether considered alone or in any combination. For this reason, the
5 documents relied on in the 35 U.S.C. § 103(a) rejections do not establish a prima facie
6 case of obviousness.

7 Second, the subject matter of the Grigorovitch published application and the
8 present claimed invention were, at the time the invention was made, subject to an
9 obligation of assignment to Microsoft Corporation of Redmond, Washington. This is
10 supported by the assignment documents filed for the Grigorovitch application and the
11 present application, copies of which are submitted herewith as Exhibit A. Accordingly,
12 pursuant to the provisions of 35 U.S.C. § 103(c) and MPEP § 706.02(I), the Grigorovitch
13 document is not a valid reference against the claimed invention. And since the non-prior
14 art Grigorovitch document is an integral part of the Office Action's three 35 U.S.C. §
15 103(a) rejections, the Office Action fails establish a prima facie case of obviousness for
16 any of the 35 U.S.C. § 103(a) rejections.

17 For either the above-identified first or second reasons, the Applicant requests that
18 the three 35 U.S.C. § 103(a) rejections be withdrawn.

19
20 *Conclusion*

21 The arguments presented above are not exhaustive; Applicant reserves the right to
22 present additional arguments to fortify its position. Further, Applicant reserves the right
23 to challenge the alleged prior art status of one or more documents cited in the Office
24 Action.
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1 In conclusion, all objections and rejections raised in the Office Action having
2 been addressed, it is respectfully submitted that the present application is in condition for
3 allowance and such allowance is respectfully solicited. The Examiner is urged to contact
4 the undersigned if any issues remain unresolved by this Amendment.

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7 Respectfully Submitted,

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9 Dated: June 29, 2006

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